



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 13 2009

Mr. Ron Hull
Central Appalachia Mining, LLC
265 Hambley Boulevard
Pikeville, Kentucky 41501

Dear Mr. Hull:

This letter is in follow-up to phone discussion between yourself and Mr. Todd Bowers, of my staff, on May 7, 2009 regarding timeframes for providing additional information to EPA in response to our April 28, 2009, Clean Water Act (CWA) Section 404 (c) letter on the Big Branch coal mine project (DA # 2004-1400; KDMRE # 898-0610). In that conversation, you indicated the company's willingness to meet with EPA to provide additional information and, perhaps, corrective action, the company believes will address EPA's concerns regarding the potential for unacceptable adverse effects arising from the proposal. You also indicated, during this conversation, that CAM needed more time to prepare additional information to provide to EPA. Pursuant to the phone discussion of May 7, I have determined that CAM has provided EPA with notice of the company's intent to take corrective action consistent with the regulations governing section 404(c). In order to facilitate further discussions with the CAM, EPA is granting a 30 day extension to CAM to provide additional information pertinent to EPA's evaluation under Section 404(c).

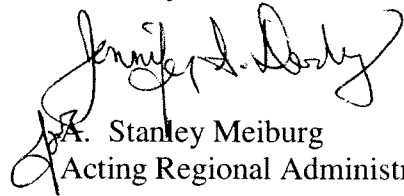
The 15-day time period indicated in our letter of April 28, is intended to give the applicant an initial and expeditious opportunity to provide very specific information regarding the proposed project that may not already be contained in the record. Under the regulations, if EPA decides to proceed to the next stage in the process, we will engage further with the applicant, the Army Corps of Engineers, and the public in our Section 404 (c) review of the project. Specifically, the regulations contemplate a formal public comment period, as well as the opportunity for a public hearing.

In balancing our regulatory responsibility to respect the timeframes set out in the regulations with your company's understandable need for more time to provide additional information, we have determined that extending the timeframe for your response for an additional 30 days is appropriate. We also believe that such an extension of time is appropriate in consideration of your request for the opportunity to meet with EPA. This timeframe will allow for both organizations to fully consider and discuss any new information you would like to share with EPA.

I appreciate your cooperation during this process. I look forward to the opportunity to meet with you to discuss our concerns, and if you should have any

questions, please contact Jim Giattina, EPA Region 4 Director of the Water Protection Division, at (404) 562-9345, or call me at (404) 562-8357.

Sincerely,



J.A. Stanley Meiburg
Acting Regional Administrator

Cc: Colonel Dana R. Hurst, District Engineer
Huntington District
U.S. Army Corps of Engineers
Huntington, West Virginia 25701-2070